

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Bail Appl..No. 87 of 2007()

Crime No.627/06 of Pattambi Police Station

: APPLICANTS/ACCUSED NOS. 1 TO 6:

1. ABDUL RASHEED, AGED 26 YEARS,
S/O.ABDUL KHADER, ULLATTUTHODIYIL HOUSE,
PERUMUDIYUR AMSOM DESOM, OTTAPALAM TALUK.
2. ABDUL KHADER, AGED 66 YEARS,
S/O.ABDUL KHADER, ULLATTUTHODIYIL HOUSE,
PERUMUDIYUR AMSOM DESOM, OTTAPALAM TALUK.
3. BEERAYI UMMA, AGED 60 YEARS,
W/O.ABDUL KHADER, ULLATHUTHODIYIL HOUSE,
PERUMUDIYUR AMSOM DESOM, OTTAPALAM TALUK.
4. RAJEENA, W/O.JAFFER, AGED 28 YEARS,
ULLATHUTHODIYIL HOUSE, PERUMUDIYUR AMSOM DESOM,
OTTAPALAM TALUK.
5. HAMSA, S/O.ABDUL KHADER, AGED 29 YEARS,
ULLATHUTHODIYIL HOUSE, PERUMUDIYUR AMSOM DESOM,
OTTAPALAM TALUK.
6. ARIFA, W/O.HAMSA, AGED 22 YEARS,
ULLATHUTHODIYIL HOUSE,
PERUMUDIYUR AMSOM DESOM, OTTAPALAM TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

BA 87/07

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING S.I. OF POLICE, PATTAMBI POLICE
STATION.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.

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B.A.No.87 of 2007

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Dated this the 10th day of January, 2007.

ORDER

Petitioners, who are husband and in-laws of the de facto complainant Fasila, seek anticipatory bail. They are accused Nos. 1 to 6 in Crime No.627 of 2006 of Pattambi Police Station for an offence punishable under Section 498A I.P.C.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. The marriage between the first petitioner and the de facto complainant was on 19.11.2006. She has left her matrimonial home on 5.12.2006 alleging ill-treatment on the ground of demand of further amount and further gold. The present complaint was filed on 23.12.2006.

3. It is too early to accept the contentions of the petitioners that the allegations of the de facto complainant are prima facie false. At any rate, I am not inclined to grant anticipatory bail to the first petitioner. Having regard to the nature of the allegations levelled against the petitioners and the other circumstances of the case, I am

inclined to grant anticipatory bail to petitioners 2 to 6. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners 2 to 6 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners 2 and 5 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. Petitioners 2 to 6 shall make themselves available for interrogation as and when required by the Investigating Officer.
3. Petitioners 2 to 6 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. Petitioners 2 to 6 shall not commit any offence while on bail.
5. Petitioners 2 to 6 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

4. In the case of the first petitioner, there is no reason why he

should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the first petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

This application is partly allowed as above.

V.RAMKUMAR,
JUDGE.

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